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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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August 11, 2000

VIA HAND DELIVERY

Carol Matthey
Deputy Chief, Common Carrier Bureau
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Ex Parte*
"Project Pronto"
CC Docket No. 98-141 ✓
ASD File No. 99-49

Dear Ms. Matthey:

In this letter, @Link Networks, Inc. ("@Link") responds to the July 25, 2000 and August 3, 2000 *ex parte* submissions by Alcatel USA ("Alcatel") in this proceeding.

In its July 25, 2000 letter, Alcatel stated that it plans to support G.shDSL in a future software release. @Link is pleased that Alcatel plans to do so. This capability greatly improves the subscriber's ability to receive advanced services capabilities beyond ADSL. @Link requests that the Commission establish a date by which SBC must offer this capability. @Link suggests that this capability be provided within six-months of an order issued in this proceeding.

Alcatel disagrees with @Link's statement that there is no requirement to dedicate a shelf and/or channel bank to an individual CLEC when providing both CBR and UBR connections. Alcatel states that in fact there is such a requirement "if an OCD is not used." However, SBC in Project Pronto plans to deploy OCDs in the central office. Therefore, @Link's statement that there is no requirement to dedicate a shelf and/or channel bank to each CLEC in connection with Project Pronto is correct. Alcatel's response to @Link's concern is symptomatic of the fact that it is

casting the information it is providing in this proceeding in ways that will serve the needs of its gargantuan customer SBC to narrowly define the capabilities of the LiteSpan equipment.

Similarly, @Link is disappointed with Alcatel's response to @Link's statement that SBC should be required to make certain software changes. Alcatel responds that its software is copyright protected and that only Alcatel can modify it. Obviously, @Link is not expecting that SBC will itself reprogram Alcatel products. However, SBC can require Alcatel to make necessary software changes. Alcatel and SBC have failed to provide any adequate explanation as to why software changes necessary to support competitive services could not be made. In its July 25, 2000 letter, for example, Alcatel merely states that some of the software changes it is planning to make would enable provision of three UBR channels and one CBR but not as @Link requested that each of the four VCC's be configurable as either UBR or VCC channels. Although @Link is pleased that Alcatel admits that its equipment supports four VCCs, Alcatel and SBC do not provide any explanation as to why they are not making software changes that would permit each VCC be configurable as either UBR or CBR. Also, Alcatel merely declares without explanation that software code changes that would reallocate the VPC and VCC code space are not technically feasible. In reality, as noted, Alcatel is providing less than forthcoming answers and artificially cramping the clear capabilities of its equipment that could be substantially enhanced by software changes in order to promote the interests of its overgrown customer SBC. @Link is pleased that SBC in its letter of July 13 states it will "make available for deployment for use by affiliated and unaffiliated advanced services providers: two virtual path circuits per end user and CBR class of service." It is worth noting that this apparently contradicts Alcatel's statement that it is not technically feasible to reallocate VPC and VCC code space.

In its August 4, 2000 letter, Alcatel states that it has provided to the Commission, under a request for confidentiality, information concerning the internal operating software and hardware architecture of its Litespan products. Alcatel also states that it will submit additional information under a request for confidentiality.

As is evident, a key issue in this proceeding is the capability of the Litespan equipment that SBC plans to use. @Link contends that the full capabilities of this equipment must be provided at forward-looking prices to CLECs including capabilities that can be achieved by the considerably less-than-heroic software changes that @Link has described. @Link believes that in order to be able to meaningfully participate in this proceeding on this issue and to be able to adequately respond to Alcatel's bald, unsupported allegations of the "technical infeasibility" of making software changes, it is necessary for @Link and other parties to this proceeding to have the opportunity to review, pursuant to an appropriate non-disclosure agreement, the highly relevant confidential information that Alcatel has submitted to the Commission. @Link has requested that Alcatel provide to @Link the information submitted to the Commission pursuant to a non-disclosure agreement for the limited purpose of participating in this proceeding, but Alcatel has refused to do so. This is particularly disturbing since it indicated in its July 25, 2000 letter that it would do so to its potential customers. The availability of this information to customers, especially the behemoth SBC, but not others for the limited purpose of participating in this proceeding pursuant to appropriate non-disclosure agreements prejudices @link and other participants.

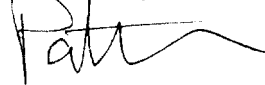
@Link requests that the Commission promptly institute a procedure to permit @Link and other participants to review Alcatel's information submitted to the Commission under a request for confidentiality pursuant to an appropriate non-disclosure agreement for the limited purpose of participation in this proceeding. The Commission has recognized in other proceedings that in order to permit parties to participate in a meaningful way it must allow review of confidential information subject to nondisclosure agreements.¹ The Commission should direct Alcatel to disclose the information pursuant to appropriate nondisclosure agreements or work out an informal arrangement with Alcatel so that it will do so. Alternatively, the Commission may disclose this information to interested parties subject to appropriate nondisclosure requirements without Alcatel's involvement. Parties may then submit responses to the Commission, also under confidentiality if appropriate.

@Link stresses that it is not seeking public disclosure of Alcatel's information or to compromise in anyway Alcatel's legitimate interest in protecting genuinely proprietary information.² Rather, as discussed, disclosure of this information is necessary in order to assure that @Link's rights to meaningfully participate in this proceeding is not compromised. @Link further requests that the Commission defer any resolution of issues in this proceeding until this process has been instituted.

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Sincerely,



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¹ *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, 14 FCC Rcd 20,128 (1999).

² @Link reserves the right to contest the proprietary nature of Alcatel's information at a later date.

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